

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD ROY SCOTT,

Plaintiff,

v.

WILL BAILEY,

Defendant.

Case No. C06-5173RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon plaintiff's "appeal" [Dkt. #62] of Magistrate Judge J. Kelley Arnold's Order Denying Plaintiff's Motion for Leave to Conduct Non Stenographic Depositions, Ordering the Plaintiff to Comply with the Courts Orders to File an Amended Complaint, Directing the Clerk to Remove all Defendants Except Will Bailey from this Action and Staying the Action [Dkt. #59].

Having considered the entirety of the records and file herein, the Court rules as follows:

This case has been referred to the Magistrate Judge under 28 U.S.C. § 636. Under Fed. R. Civ. P. 72(a), the non-dispositive order of a magistrate judge to whom a matter has been referred for pretrial matters may be reviewed by the district court upon the objection of a party. The court construes Mr. Scott's "appeal" in this instance to be such an objection.

This Court previously granted plaintiff leave to amend his complaint; however, the Court ordered that the amended complaint contain no new parties. Plaintiff has filed a proposed amended complaint which names three new parties. Magistrate Judge Arnold correctly concluded that the amended complaint would not be


1 considered, that plaintiff's motion for non stenographic depositions be denied, that discovery be stayed pending
2 plaintiff's decision whether or not to comply with the Court's orders, and striking the improperly named
3 defendants. It is therefore

4 **ORDERED** that plaintiff's "appeal" [Dkt. #62] is **DENIED**.

5 Plaintiff also seeks to recuse Magistrate Judge Arnold. This Court will not rule on the request to recuse
6 until Magistrate Judge Arnold has the opportunity to review it.

7 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
8 pro se.

9 Dated this 28th day of November, 2006.

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12 RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE
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